

REMARKS/ARGUMENTS

The Examiner is thanked for the clarity and conciseness of the previous Office Action, and for the citation of references, which have been studied with interest and care.

This Amendment is in response to the Office Action mailed March 2, 2006. In the Office Action, claims 1-2, 4-5, 11-12, 14-15, 21-22, 26-27, and 29-30 stand rejected under 35 U.S.C. § 102, and claims 10, 20, 25, and 35 stand rejected under 35 U.S.C. § 103.

Applicant has amended independent claims 1, 11, 21, and 26 to clarify embodiments of the invention.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-2, 4-5, 11-12, 14-15, 21-22, 26-27, and 29-30 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,766,295 issued to Murveit et al. (hereinafter Murveit). Further, claims 10, 20, 25, and 35 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Murveit in view of U.S. Patent No. 6,442,519 issued to Kanevsky et al. (hereinafter Kanevsky).

Applicant has amended independent claims 1, 11, 21, and 26 to include the limitations of dependent claims 10, 20, 25, and 35 (now canceled), respectively, along with further limitations, to clarify the embodiments of the invention.

Utilizing Applicant's independent claim 11 as an example, Applicant's independent claims generally relate to: storing a copy of an acoustic model for a user of a client device at a server, the client device having speech recognition functionality...receiving speech data from the client device...adapting the acoustic model specifically for a user of the client device...wherein, when there is a network connection between the client device and the server, the server and client device together implement a single user speech recognition system in which digitized raw

speech data of a user or extracted speech feature data of user is received by the server from the client device and the acoustic model adaptor adapts a user-specific acoustic model for the client device based solely on the digitized raw speech data of the user or the extracted speech feature data of the user and the server stores the adapted user-specific acoustic model for use only by the associated client device and user in applications utilizing speech recognition...downloading the user-specific adapted acoustic model to the client device...and...storing the user-specific adapted acoustic model for use thereafter by the client device.

As stated by the Office Action, on page 5 of the Office Action: "Regarding claims 10, 20, 25, and 35, Murveit et al. fails to disclose that *the client device downloads and stores the user-specific adapted acoustic model.*" (Emphasis added).

However, on page 5 of the Office Action, the Office Action attempts to utilize Kanevsky in combination with Murveit in attempt to render obvious Applicant's dependent claims 10, 20, 25, and 35, which are now re-written as amended independent claims 1, 11, 21, and 26, respectively.

Applicant respectfully submits that the Office Action has engaged in hindsight reconstruction by attempting to combine Kanevsky with Murveita, in order to re-create Applicant's claims, when Kanevsky clearly teaches away from this combination.

Applicant respectfully submits that the Office Action has made a fundamental error with respect to combining Kanevsky with Murveita.

With respect to obviousness, as set forth by the Federal Circuit in In re Kotzab, 55 U.S.P.Q.2D (BNA) 1313, 1316-1317 (Fed. Cir. 2000):

Most if not all inventions arise from a combination of old elements. Thus every element of a claimed invention may often be found in the prior art. *However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention.* Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion, or teaching of the *desirability of making the specific combination that was made by the applicant.* (Emphasis added.)

As stated in the MPEP, "[i]t is improper to combine references where the references teach away from their combination." MPEP § 2145 (emphasis added). As further set forth in MPEP § 2141.02: "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." (Emphasis added.)

Thus, Kanevsky cannot be utilized only for selected portions whereas other portions of Kanevsky that teach away from the combination of Kanevsky with Murveita are disregarded. This is a fundamental error.

Applicant respectfully submits that Kanevsky teaches away from many of Applicant's limitations of independent claims 1, 11, 21, and 26.

Kanevsky (column 7, lines 19-40) teaches: different user acoustic models are clustered into classes according to acoustic similarities of the users, thereby clustering the speakers based on vocal and verbal similarities...First, in step 122, acoustic profile data for individual users previously accumulated and stored in the local databases are passed over the network 100 to the server 106...The users' acoustic data are compared in step 124 of the server 106...In step 126, based on that comparison, users are clustered into classes of similar users according to acoustic voice similarities...Then, in step 128, different acoustic models (i.e., different domains) are compared in sets associated with similar users to derive cluster update data...Finally, in step 130, acoustic model components for similar users are modified relative to user production activities...So acoustic model components, including data about users and information about user activities, are thereby synchronized in all similar acoustic models across the network. (Emphasis Added).

Thus, Kanevsky is directed to the updating of similar audio models based on multiple connected computer systems and multiple users having similar characteristics across a network such that similar acoustic models across the network are synchronized with one another.

In fact, the background section of Kanevsky in column 1, lines 51-61 sets forth the disadvantages of single user speech recognition systems. Particularly, Kanevsky teaches that: "While generally recognizing spoken words with a relative high degree of accuracy, especially in

a single user system, these prior speech recognition systems still, frequently, make inappropriate recognition errors. Generally, for single user systems, these errors can be reduced with additional user specific training...However, additional training and increased data volume that must be handled during training are undesirable..."

Thus, Kanevsky clearly teaches away from *single use speech recognition systems* and is instead directed to remedying the problems of single user systems with its invention directed to speech recognition updating similar audio models based on multiple connected computer systems and multiple users having similar characteristics across a network such that similar acoustic models are synchronized with one another.

This teaches away from Applicant's independent claims 1, 11, 21, and 26, in which, *when there is a network connection between the client device and the server, the server and client device together implement a single user speech recognition system in which speech digitized raw speech of a user or extracted speech feature data of a user is received by the server from the client device and the acoustic model adaptor adapts a user-specific acoustic model for the client device based solely on the digitized raw speech data of the user or the extracted speech feature data of the user and the server stores the adapted user-specific acoustic model for use only by the associated client device and user...*

Applicant respectfully submits that Kanevsky teaches away from Applicants' amended independent claims directed to single user speech recognition. Therefore, Applicant respectfully submits that Kanevsky is not properly combinable with Murveita such that a *prima facie* case of obviousness with respect to amended independent claims 1, 11, 21, and 26 cannot be properly made utilizing Kanevsky.

Further, it should be noted that even if Kanevsky were properly combinable with Murveita, it would still not teach or suggest: downloading the user-specific adapted acoustic model to the client device...and...storing the user-specific adapted acoustic model for use thereafter by the client device; because, as previously described in detail, Kanevsky does not teach the use of user-specific adapted acoustic models and, in fact, teaches away, from their use.

Accordingly, Applicant respectfully requests that the Examiner remove these grounds for rejection and allow independent claims 1, 11, 21, 26, and the claims that depend therefrom, and pass these claims to issuance.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 2, 4, 5, 11, 12, 14, 15, 21, 22, 25, 26, 27, 29, and 30 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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